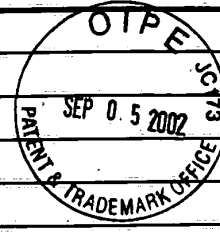


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|---|---|------------------|-------------------|--------------------|------------|-------------|--------------------|----------------------|---------|----------------|------------------|---------------|---------------------------|------------------------|--------------|
| <h2 style="margin: 0;">REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</h2> <p style="margin: 5px 0;">Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Express Mail No.</td> <td>EL 500 575 856 US</td> </tr> <tr> <td>Application Number</td> <td>09/161,122</td> </tr> <tr> <td>Filing Date</td> <td>September 25, 1998</td> </tr> <tr> <td>First Named Inventor</td> <td>JIN, H.</td> </tr> <tr> <td>Group Art Unit</td> <td>1642 <i>1642</i></td> </tr> <tr> <td>Examiner Name</td> <td>Brumback, B. <i>Lucas</i></td> </tr> <tr> <td>Attorney Docket Number</td> <td>7682-045-999</td> </tr> </table> | Express Mail No. | EL 500 575 856 US | Application Number | 09/161,122 | Filing Date | September 25, 1998 | First Named Inventor | JIN, H. | Group Art Unit | 1642 <i>1642</i> | Examiner Name | Brumback, B. <i>Lucas</i> | Attorney Docket Number | 7682-045-999 |
| Express Mail No. | EL 500 575 856 US | | | | | | | | | | | | | | |
| Application Number | 09/161,122 | | | | | | | | | | | | | | |
| Filing Date | September 25, 1998 | | | | | | | | | | | | | | |
| First Named Inventor | JIN, H. | | | | | | | | | | | | | | |
| Group Art Unit | 1642 <i>1642</i> | | | | | | | | | | | | | | |
| Examiner Name | Brumback, B. <i>Lucas</i> | | | | | | | | | | | | | | |
| Attorney Docket Number | 7682-045-999 | | | | | | | | | | | | | | |



This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other Petition for Extension of Time for 4 months; Petition to Accept Unintentionally Delayed Claim for Priority under 37 C.F.R. 1.78(a)(3); Request to Correct Inventorship under 37 C.F.R. 1.48(a); Submission of Substitute Sequence Listing; Submission of Formal Drawings
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed
 - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 740.00
 - ii. ☐ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ _____ for a _____ month extension, the request for which is being made herewith
 - iii. ☐ Other _____
 - b. ☐ Check in the amount of \$ _____ enclosed
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--|-----------------------------------|-------------------|
| Name (Print/Type) | Laura A. Coruzzi <i>by Jacqueline Ben</i> | Registration No. (Attorney/Agent) | 30,742 |
| Signature | <i>Laura A. Coruzzi</i> <i>Reg. No. 30,742</i> | Date | September 5, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703- _____ to the U.S. Patent and Trademark Office on the date indicated below.

| | | | |
|-------------------|--|-----------------------------------|--|
| Name (Print/Type) | | Registration No. (Attorney/Agent) | |
| Signature | | Date | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

09/11/2002 AWONDAF1 00000145 161150 09161122

04 FC:179

740.00 CH



Express Mail No.: EL 500 575 856 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JIN et al.

Application No.: 09/161,122

Group Art Unit: 1642

Filed: September 25, 1998

Examiner: Brumback, B.

For: RECOMBINANT RSV
EXPRESSION SYSTEMS AND
VACCINES

Attorney Docket No.: 7682-045-999

FEE TRANSMITTAL SHEET

Assistant Commissioner for Patents
Washington, D.C. 20231

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SEP 11 2002

OFFICE OF PETITIONS

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$0.

The claim amendment fee has been estimated as shown below:

| (Col. 1) | | (Col. 2) | | (Col. 3) | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | | |
|--|---|--------------------------------------|----|------------------|---|--------------|---------------|------------------------------|-------|---------------|
| CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO PREVIOUSLY PAID FOR | | PRESENT EXTRA | | RATE | ADDIT. FEE | OR | RATE | ADDIT. FEE |
| TOTAL | 5 | MINUS | 27 | = | 0 | × 9 | \$ | | × 18 | \$ 0.00 |
| INDEP. | 2 | MINUS | 7 | = | 0 | × 42 | \$ | | × 84 | \$ 0.00 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | 140 | \$ | | 280 | \$ |
| | | | | | | TOTAL | \$ | OR | TOTAL | \$ 0.00 |

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.
A copy of this sheet is enclosed.

Date September 5, 2002

Respectfully submitted,

by: *Jacqueline Benn*
Laura A. Coruzzi
Laura A. Coruzzi (Reg. No.)
Reg No. 43,492
38,742

PENNIE & EDMONDS LLP
1155 Avenue of Americas
New York, N.Y. 10036-2711
(212) 790-9090

Enclosure



Express Mail No.: EL 500 575 856 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#20

Application of: JIN et al.

Serial No.: 09/161,122

Group Art Unit: 1642

Filed: September 25, 1998

Examiner: Brumback, B.

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-045-999

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (a)

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

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OFFICE OF PETITIONS

SIR:

It is respectfully requested that the inventorship of the above-identified patent application be corrected under 37 C.F.R. § 1.48(a) to further include the name of David Kirkwood Clarke, whose residence is 3205 Whispering Hills, Chester, New York 10918, and Peter Palese, whose residence is 414 Highwood Avenue, Leonia, New Jersey 07065, as co-inventors of the claims in the instant patent application. Applicants concurrently submit herewith (1) a Statement in Support of Correction of Inventorship; (2) an executed Declaration by the actual inventors; and (3) a Consent by Assignee to Correction of Inventorship.

The name of David Kirkwood Clarke and Peter Palese were omitted in the instant patent application through error and without any deceptive intention on the part of the omitted inventor. Thus, the inventorship of the claims in the instant patent application should be corrected to include the names of David Kirkwood Clarke and Peter Palese.

09/11/2002 AWONDAF1 00000145 161150 09161122
02 FC:122 130.00 CH

Pursuant to 37 C.F.R. § 1.48(a) and § 1.17(i), it is believed that a fee of \$130.00 is due for submission of this request. Please charge the required fee to Pennie and Edmonds LLP Deposit Account Number 16-1150; a duplicate of this sheet is enclosed.

Respectfully submitted,

by *Jacqueline Benn*
Reg No. 43,492

Date: September 5, 2002

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036-2711
Telephone: (212) 790-9090

Enclosures

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Express Mail No.: EL 500 575 856 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

23

In re Application of: JIN et al.

Application No.: 09/161,122

Group Art Unit: 1642

Filed: September 25, 1998

Examiner: Brumback, B.

For: RECOMBINANT RSV
EXPRESSION SYSTEMS AND
VACCINES

Attorney Docket No.: 7682-045-999

TRANSMITTAL OF FORMAL DRAWINGS

Assistant Commissioner for Patents
United States Patent and Trademark Office
(BOX PCT)
Washington, D.C. 20231

SIR/MADAM:

Applicants submit herewith 12 sheets of 12 formal figures to be substituted for the informal figures previously submitted in the above-identified application.

Respectfully submitted, *by Jacqueline Ben*
Reg No. 43,492
Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

Date September 5, 2002

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